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BEYER WEAVER LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			EXAMINER LEE, BENJAMIN WILLIAM	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/758,828

Applicant(s)

LEMAY ET AL.

Examiner

Benjamin W. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6, 9-31 and 34-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 9-31 and 34-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. The examiner previously did not clearly indicate Official Notice was being taken (see MPEP §2144.03).

2. The amendment filed on 08/03/2007 has been entered. Claims 1-3, 6, 9-31, and 34-81 are pending in this application. Claims 4, 5, 7, 8, and 32 have been cancelled. Claims 1, 2, 29, 57, 73, and 79 have been amended.

Oath/Declaration

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

The declaration filed on 01/15/2004 states, "I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, CFR § 1.56." The declaration must state --material to the patentability-- rather than "material to the examination." The declaration is defective and should the claims be found allowable, the application will not be able to be put in a condition of allowance due to the defective declaration.

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A new declaration should be filed with “material to the examination” replaced with --material to the patentability--.

Claim Objections

4. Claims 2 and 78-81 are objected to because of the following informalities:

Claim 2, line 4: “the collaboratively executing” is suggested to be --the step of collaboratively executing-- or “the” should be deleted.

Claim 2, line 4: “game chance” should be changed to --game of chance--.

Claim 29, line 4: “the computer program instructions:” should be changed to --the computer program instructions comprising:--.

Claim 78, line 1, claim 79, line 1 (two instances), claim 80, line 1, and claim 81, line 1: “device” should be changed to “gaming device” as recited in claim 77 in order to maintain consistent claim language and to clearly distinguish the gaming device from “another device” and “other device” (as recited in claims 78 and 79).

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 77-79 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo (US 6,336,865 B1) in view of Suarez (US 5,175,731).

Re claim 77: Kinjo discloses a gaming device comprising one or more processors/instruction unit (see claim 1) configured and/or operable to:

execute a game (see abstract);

generate a plurality of game presentation actual frames for the game when the game is being executed, wherein the game presentation actual frames are capable of being presented in connection with the game on a display associated and/or configured for the gaming device (see abstract; col. 9, lines 39-41);

capture at least one game presentation actual frame from the plurality of the game presentation actual frames as at least one captured game frame when the game is executed, wherein the at least one captured game frame is a frame actually generated for presentation on the display when the game is executed (see col. 1, lines 20-29); and

provide the at least one captured game frame for display on the display and/or another display, thereby allowing a game history of the game to be presented (see col. 16, lines 8-21).

However, Kinjo fails to explicitly disclose the frames are stored in at least one frame buffer and capturing the frame directly from the frame buffer.

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Suarez teaches storing frames in the frame buffer and capturing images directly from the frame buffer (see col. 11, lines 18-31).

Therefore, in view of Suarez, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store frames in the frame buffer and capture from the frame buffer in order to capture synchronized frames.

Re claims 78 and 79: The teachings of Kinjo and Suarez as applied to claim 77 above have been discussed. Kinjo further discloses the gaming device is configured and/or operable to send the captured game frame to another device for display on the other display (see col. 16, lines 8-21) and receive a command and /or indication from another device/portable memory unit 16 in order to initiate the capturing of the at least one captured game frame (see Fig. 3; col. 7, lines 30-48).

Re claim 81: The teachings of Kinjo and Suarez as applied to claim 77 above have been discussed. Kinjo further discloses the capturing of the at least one captured game frame is triggered as the result of the outcome of the game of chance (see col. 7, lines 15-29).

8. Claims *** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo in view of Suarez and Takemoto et al . (US 5,810,665, hereinafter Takemoto).

Re claims 1 and 29: Kinjo discloses a method and computer program product comprising at least one computer-readable medium (see Fig. 3) having computer program instructions stored therein which are operable to cause at least one computer to capture and present a game history for a game of chance played on a device, the computer program comprising:

facilitating execution of a game of chance on a first device in a network (see Fig. 3; col. 4, lines 53 - col. 5, line 9), the execution causing generation of a plurality of game presentation actual frames capable of being presented on a multimedia display 14 of the first device in the network (see col. 9, lines 39-41);

detecting a game presentation capturing event corresponding to the outcome of the game of chance executing on the first device (capture may be triggered by the player, see col. 4, lines 53-66, and the trigger may be in response to the outcome of a game, see col. 7, lines 15-29), wherein the game presentation capturing event effectively triggers capture of the game presentation for the game of chance (the invention captures a game scene, see abstract);

facilitating capture of at least one selected game presentation actual frame from the plurality of the game presentation actual frames when the detecting detects the game presentation capturing event (see col. 4, lines 53-66), wherein the selected game presentation actual frame is a frame actually generated for presentation on the multimedia display of the first device when the game of chance is executed on the first device in the network (see col. 1, lines 20-29);

receiving first frame data from the first device via the network when the game of chance is executed (see Fig. 1; col. 7, lines 46-48), the first frame data representing at least a portion of the game history of the execution of the game of chance and including the selected game presentation actual frame (see col. 7, lines 15-33);

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for storing the first frame data after receiving the first frame data on a computer readable medium (see Fig. 3; col. 5, lines 34-45); and

displaying the first frame data after the receiving of the first frame data, thereby effectively presenting the captured game history for the game of chance (see col. 16, lines 8-21).

However, Kinjo fails to explicitly disclose that the actual frame is stored in a frame buffer of the first device.

Suarez teaches storing frames in a frame buffer (see col. 11, lines 18-19).

Therefore, in view of Suarez, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store frames in the frame buffer in order to provide the display with a constant stream of frames so that motion on the display will appear smooth.

However, Kinjo and Suarez fail to disclose the game is a game of chance.

Takemoto teaches an image display gaming machine used in games of chance such as slot machines or pachinko (see Figs. 2 and 9; col. 1, lines 12-15).

Therefore, in view of Takemoto, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the game unit of Kinjo as modified by Suarez with the game of chance of Takemoto in order to increase the entertainment value by allowing players to print out stickers of the player's game screen featuring the player's image.

Re claim 2 and 30: The teachings of Kinjo as modified by Suarez and Takemoto as applied to claims 1 and 29 above have been discussed. Kinjo further discloses facilitating execution of the game of chance comprises receiving a request from the first device identifying the game of chance, and collaboratively executing the game of chance with the first device,

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wherein collaboratively executing the game of chance comprises executing the game of chance at least partly by a server device that communicates with the first device (the game scene reproducing machine runs the same software as the first device to regenerate the scene, see col. 4, lines 14-17).

Re claims 3 and 31: The teachings of Kinjo as modified by Takemoto as applied to claims 2 and 30 above have been discussed.

However, the teachings of Kinjo as modified by Takemoto fail to disclose executing the game of chance comprises executing game flow logic on a host device, and executing game presentation logic on the first device.

It was well known in the art at the time the invention was made to execute game flow logic and game presentation logic on separate devices on networks.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to structure the network to execute game flow logic and game presentation logic to execute on different machines in order to adapt the system to work for Internet browser based games.

Re claims 6, 33, and 34: The teachings of Kinjo as modified by Suarez and Takemoto as applied to claims 1 and 29 above have been discussed. Suarez further discloses capturing the actual frame from the frame buffer/directly from the display (see col. 11, lines 18-31). The frame buffer stores the information that will be sent to the display, so capturing the image from the frame buffer is considered the same as capturing the image directly from the display.

Re claims 35 and 36: The teachings of Kinjo as modified by Suarez and Takemoto as applied to claims 29 above have been discussed. Kinjo further discloses capture of the selected game presentation actual frame comprises detecting an event which triggers capture of the selected game presentation actual frame (see col. 1, lines 20-29), wherein the event corresponds to an outcome of the game of chance (see col. 7, lines 15-29).

Re claims 9 and 37: The teachings of Kinjo as modified by Suarez and Takemoto as applied to claims 1 and 29 above have been discussed.

However, the teachings of Kinjo as modified by Takemoto fail to disclose capture of the selected game presentation actual frame comprises uploading at least one software module to the first device which is operable to capture the selected game presentation actual frame.

OFFICIAL NOTICE is taken that both the concepts and advantages of uploading software from a server to clients were well known and expected in the art at the time the invention was made. A networked server-client architecture for applications is useful for distributing the latest versions of client programs.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to structure the network to upload software to the first device to capture the selected game presentation frame in order to adapt the system to work for Internet browser based games.

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Re claims 10 and 38: The teachings of Kinjo as modified by Suarez and Takemoto as applied to claims 1 and 29 above have been discussed. Kinjo further discloses facilitating capture of the selected game presentation actual frame comprises transmitting a capture command to the first device (see col. 4, line 53 - col. 5, line 9).

Re claims 11 and 39: The teachings of Kinjo as modified by Suarez and Takemoto as applied to claims 1 and 29 above have been discussed. Kinjo further discloses generating the first frame data (see col. 7, lines 15-29).

Re claims 12 and 40: The teachings of Kinjo as modified by Suarez and Takemoto as applied to claims 11 and 39 above have been discussed.

However, the teachings of Kinjo as modified by Takemoto fail to disclose generating the first frame data comprises any one or more of the following: compressing the selected game presentation actual frame, encrypting the selected game presentation actual frame, and reducing color information in the game presentation actual frame.

OFFICIAL NOTICE is taken that both the concept and advantages of compressing or encrypting data transferred over a network was well known and expected in the art at the time the invention was made. File compression reduces file size and thus reduces network traffic and data encryption is a well known method of providing data security for files transferred over networks.

Therefore, it would have been obvious to add compression and encryption to the invention of Kinjo as modified by Suarez and Takemoto in order to reduce the amount of data transferred across the network and to enhance security.

Re claims 13, 14, 41, and 42: The teachings of Kinjo as modified by Takemoto as applied to claims 11 and 39 above have been discussed. Kinjo further discloses the additional data captured and associated with the selected game presentation actual frame includes a time (see col. 15, lines 46-54).

Re claims 15, 16, 43, and 44: The teachings of Kinjo as modified by Takemoto as applied to claims 1 and 29 above have been discussed. Kinjo further discloses rendering the first frame data wherein rendering comprises generating a visual representation including the game presentation actual frame (see col. 16, lines 8-21).

Re claims 17 and 45: The teachings of Kinjo as modified by Suarez and Takemoto as applied to claims 1 and 29 above have been discussed. Kinjo further discloses generating second frame data corresponding to the selected game presentation actual frame. Kinjo discloses capturing multiple frames in sequence to create an animation. The second frame data corresponds to the selected game presentation frame (i.e. occurs directly after the selected presentation frame) and is generate independent of the selected game presentation frame (i.e. the subsequent frame is not necessarily dependent upon the selected game presentation frame (see col. 6, lines 43-49).

Re claims 18, 19, 46, and 47: The teachings of Kinjo as modified by Suarez and Takemoto as applied to claims 17 and 45 above have been discussed. Kinjo further discloses the sequence of frames representing an animation is rendered visually (see col. 6, lines 43-46). The juxtaposition of sequential frames is a comparison.

Re claims 20, 21, 48, and 49: The teachings of Kinjo as modified by Suarez and Takemoto as applied to claims 17 and 45 above have been discussed. In a situation where there is no movement, there will be multiple frames that are duplicates. The frame may also include a time (see col. 15, lines 46-54).

Re claims 22, 23, 50, and 51: The teachings of Kinjo as modified by Suarez and Takemoto as applied to claims 1 and 29 have been discussed above.

However, the teachings of Kinjo as modified by Takemoto fail to disclose generating a frame signature for inclusion in the first frame data comprising at least one of a CRC, a checksum, and a hash value.

OFFICIAL NOTICE is taken that both the concepts and advantages of using CRC, a checksum, or a hash value on data transferred over a network was well known and expected in the art at the time of the invention was made. Cyclic Redundancy Check (CRC), Checksum, and hash values are well known techniques for verifying data integrity.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a frame signature such as a CRC, a checksum, or a hash value, to the

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invention of Kinjo as modified by Takemoto in order to ensure the data integrity of frames transferred via the network.

Re claims 24, 25, 52, and 53: The teachings of Kinjo as modified by Suarez and Takemoto as applied to claims 1 and 29 above have been discussed. Kinjo further discloses generating the first frame data, wherein the first frame data corresponds to a visual representation which includes the game presentation actual frame and is capable of being displayed on a multimedia display (see col. 7, lines 15-29).

However, the teachings of Kinjo as modified by Takemoto fail to disclose the visual representation also includes a visible authentication object comprising at least one of date, time, serialized game number, payable number, user id, machine serial number, current progressive values, host id, network id, and casino water mark.

OFFICIAL NOTICE is taken that both the concept and advantages of placing timestamps and watermarks on images was well known in the art at the time the invention was made. Timestamps and watermarks are well known techniques to apply to images in order to verify the origin/source of the image.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add timestamps or watermarks to the first frame data in order to provide an indicator the source of the image, which would increase the security of the system.

Re claims 26 and 54: The teachings of Kinjo as modified by Suarez and Takemoto as applied to claims 1 and 29 above have been discussed. Kinjo further discloses the network may be the Internet (see col. 6, lines 7-11).

Re claims 27, 28, 55, and 56: The teachings of Kinjo as modified by Suarez and Takemoto as applied to claims 1 and 29 have been discussed.

However, the teachings of Kinjo as modified by Takemoto fail to disclose or fairly the game of chance is facilitated according to a client-server model or a peer-to-peer model.

OFFICIAL NOTICE is taken that both the concept and advantages of operating games of chance in a client-server architecture or a peer-to-peer architecture was well known in the art at the time the invention was made. It is well known that a client-server architecture is more appropriate for games that feature several players (more than 2) while a peer-to-peer architecture is appropriate for games that feature exactly 2 players.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to structure the networked game of chance of Kinjo as modified by Takemoto in order adapt the invention to function in different multiplayer games with varying numbers of participants.

Re claims 73-75: The teachings of Kinjo as modified by Suarez and Takemoto as applied to claim 1 above have been discussed. Kinjo further discloses capturing a sequence of game presentation frames and outputting the sequence as an animation (see col. 6, lines 43-49).

Re claim 76: The teachings of Kinjo as modified by Takemoto as applied to claim 75 above have been discussed.

However, the teachings of Kinjo as modified by Takemoto as applied to claim 75 have been discussed above.

OFFICIAL NOTICE is taken that both the concept and advantages of encoding video using the MPEG standard or VCR standard was well known in the art at the time the invention was made. The Moving Pictures Expert Group (MPEG) series of compression formats were well known techniques for digital video compression. The Videocassette recorder (VCR) was also a well known video recording device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to encode the video using an MPEG standard in order to save storage space and network bandwidth by compressing the video data.

Re claim 80: The teachings of Kinjo and Suarez as applied to claim 77 above have been discussed.

However, Kinjo fails to disclose the game is a game of chance.

Takemoto teaches an image display gaming machine used in games of chance such as slot machines or pachinko (see Figs. 2 and 9; col. 1, lines 12-15).

Therefore, in view of Takemoto, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the game unit of Kinjo with the game of chance of Takemoto in order to increase the entertainment value by allowing players to print out stickers of the player's game screen featuring the player's image

9. Claims 57, 58, 61-69, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo in view of Suarez and Kelly et al. (US 5,816,918, hereinafter Kelly).

Re claim 57: Kinjo discloses a plurality of gaming machines 18 (see Fig. 3; col. 15, lines 29-35), each gaming machine comprising a network interface (see Fig. 3) and a master gaming controller operable to control a game played on the gaming machine, to generate a sequence of game presentation actual frames for use in a video game presentation of the game of chance (see col. 4, line 53 - col. 5, line 9), to select one or more game presentation actual frames from the sequence of game presentation frames (see col. 1, lines 20-24), and to incorporate frame data from the selected game presentation actual frames into one or more game history frames (see col. 7, lines 15-29), and display the one or more game history frames to effectively provide a game history of the game of chance (see col. 16, lines 8-21), a network 38 interconnecting the plurality of gaming machines via the corresponding network interfaces (see Fig. 3; col. 6, lines 4-11), and at least one server/game scene reproducing machine 20 coupled to the network and operable to store the game history frames from the plurality of gaming machines (see col. 13, lines 37-54).

However, Kinjo fails to explicitly disclose that the actual frame is stored in a frame buffer of the first device.

Suarez teaches storing frames in a frame buffer (see col. 11, lines 18-19).

Therefore, in view of Suarez, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store frames in the frame buffer in order to provide the display with a constant stream of frames so that motion on the display will appear smooth.

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However, Kinjo and Suarez fail to disclose the gaming machine is a game of chance operable to receive cash or indicia of credit for a wager on the game of chance, and to output cash or indicia of credit as an award for the game of chance.

Kelly teaches a prize redemption system for games of chance (see col. 1, lines 28-33) operable to receive cash or indicia of credit for a wager on the game of chance (see col. 3, lines 8-11), and to output cash or an indicia of credit as an award for the game of chance (see col. 2, line 62 - col. 3, line 7).

Therefore, in view of Kelly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the gaming machine of Kinjo with the game of chance of Kelly in order to attract more players by providing monetary benefits.

Re claim 58: The teachings of Kinjo as modified by Suarez and Kelly as applied to claim 57 above have been discussed. Kinjo further discloses each gaming machine further comprises non-volatile memory 16 for storing the one or more game history frames (see col. 6, lines 12-31).

Re claim 61: The teachings of Kinjo as modified by Suarez and Kelly as applied to claim 57 above have been discussed. Kinjo further discloses the master gaming controller is further operable to incorporate game history information into the one or more game history frames (see col. 7, lines 15-29).

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Re claim 62: The teachings of Kinjo as modified by Suarez and Kelly as applied to claim 57 above have been discussed. Kelly further discloses the video game presentation comprises a video poker game (see col. 1, lines 30-33).

Re claim 63: The teachings of Kinjo as modified by Suarez and Kelly as applied to claim 57 above have been discussed.

However, the teachings of Kinjo as modified by Suarez and Kelly fail to disclose each gaming machine further comprises a printer operable to print the one or more game history frames.

Kinjo teaches a single printer 22 coupled to the network operable to print the one or more game history frames (see Fig. 3; col. 13, lines 28-36). It was also well known in the art at the time the invention was made to include a printer to each gaming device in a network.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a printer to each gaming machine of the invention of Kinjo as modified by Kelly in order to provide users with instant printouts.

Re claim 64: The teachings of Kinjo as modified by Suarez and Kelly as applied to claim 57 above have been discussed. Kinjo further discloses each gaming machine further comprises a display device 14 operable to display the one or more game history frames (see col. 14, lines 9-18).

Re claim 65: The teachings of Kinjo as modified by Suarez and Kelly as applied to claim 57 above have been discussed. Kinjo further discloses a printer 22 coupled to the network which is operable to print the one or more game history frames (see Fig. 3; col. 13, lines 28-36).

Re claim 66: The teachings of Kinjo as modified by Suarez and Kelly as applied to claim 57 above have been discussed. Kinjo further discloses a display device 14 coupled to the network which is operable to display the game history frames from the plurality of gaming machines (see col. 16, lines 8-21).

Re claims 67-68: The teachings of Kinjo as modified by Suarez and Kelly as applied to claim 57 above have been discussed. Kelly further discloses at least one server is operable to generate promotional information based on the at least one of the game history frames from the plurality of gaming machines (see Fig. 5d; col. 23, lines 25-45). The promotional information may be displayed on any of the gaming machines since they are networked (see Figs. 3 and 4).

Re claim 69: The teachings of Kinjo as modified by Suarez and Kelly as applied to claim 57 above have been discussed.

However, the teachings of Kinjo as modified by Suarez and Kelly fail to disclose at least one server is further operable to facilitate dispute resolution with reference to the game history frames from the plurality of gaming machines.

OFFICIAL NOTICE is taken that both the concepts and advantages of saving logs of gaming machine payouts was well known in the art at the time the invention was made. It was

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well known that keeping careful accounting records of gaming machine payouts is important for both accounting and security purposes.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store game history frames such that they could be recalled and compared to provide a record of winnings for audits.

Re claim 72: The teachings of Kinjo as modified by Suarez and Kelly as applied to claim 57 above have been discussed. Kinjo further discloses at least one server/game scene reproducing machine is operable to cause a game history frame generated by a first one of the gaming machines to be displayed on a second one of the gaming machines (see col. 16, lines 8-21).

10. Claims 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo as modified by Suarez and Kelly as applied to claim 57 above, and further in view of Takemoto.

The teachings of Kinjo as modified by Suarez and Kelly as applied to claim 57 above have been discussed.

However, the teachings of Kinjo as modified by Suarez and Kelly fail to disclose each gaming machine comprises a camera used to record a player image from a player being presented the game presentation on the gaming machine and the master controller is operable to incorporate the player image into the one or more game history frames.

Takemoto teaches an image display gaming machine featuring a CCD camera section 121 used to record a player image from a player being presented the game presentation (see col. 5,

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lines 43-52). Takemoto further discloses the master gaming controller is further operable to incorporate the player image into the one or more game presentation frames (see Figs. 10 and 11; col. 5, lines 18-27).

Therefore, in view of Takemoto, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the gaming machine of Kinjo as modified by Suarez and Kelly by adding the CCD camera and inclusion of player images into game presentation frames and game history frames in order to increase the interest of players by personalizing the game.

11. Claims 70 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo as modified by Suarez and Kelly as applied to claim 57 above, and further in view of Olsen (US 6,110,043).

The teachings of Kinjo as modified by Suarez and Kelly as applied to claim 57 above have been discussed.

However, the teachings of Kinjo as modified by Suarez Kelly fail to disclose the at least one server is operable to facilitate a bonusing game with reference to at least one of the game history frames from the plurality of gaming machines and the bonusing game includes a subset of the gaming machines.

Olsen teaches a controller-based progressive jackpot linked gaming system comprising a bonus mode wherein a subset players and machines are eligible to play based on player history contained in a player tracking card (see col. 12, lines 31-45).

Therefore, in view of Olsen, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the gaming machine of Kinjo as modified by Suarez and Kelly by adding the bonus mode of Olsen and determining eligibility based on game history frames in order to increase the interest of players in the game.

Response to Arguments

12. Applicant's arguments filed 08/03/2007 have been fully considered but they are not persuasive.

The applicant's argument that the examiner did not make a prima facie case regarding capturing frames from a frame buffer is persuasive. It was not made clear in the previous Office Actions that the examiner was taking Official Notice. Accordingly, the finality of the previous office action has been withdrawn. However, the examiner notes that some rejections were still made using Official Notice. If the applicant disagrees with the use of Official Notice in this and subsequent Office Actions, the applicant should specifically point out the supposed errors in the action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See MPEP § 2144.03(C).

Regarding the applicant's argument that the cited prior art does not teach capturing a frame from a frame buffer based on a capturing event corresponding to the outcome of a game, the examiner respectfully disagrees. The newly cited Suarez reference teaches capturing frames from a frame buffer. Further, Kinjo teaches that the player manually selects an image displayed on screen to be captured (see col. 4, lines 53-66). The player triggers the frame capture. Kinjo also teaches that comment information may be added, such a message commemorating

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completion of a game section or a ranking (e.g. "You are n-th member who has conquered this game, see col. 7, lines 15-29). This implies that the outcome of the game caused the player to trigger the capture of frame corresponding to the outcome of the game.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin W. Lee whose telephone number is 571-270-1346.

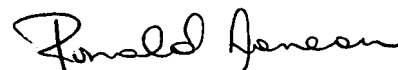
The examiner can normally be reached on Mon - Fri (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BWL

Benjamin W. Lee
August 13, 2007



RONALD LANEAU
PRIMARY EXAMINER

8/14/07